

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT COTNER,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-15-789-M
)	
WARDEN BEAR,)	
)	
Respondent.)	

ORDER

On August 31, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended that petitioner's Notice of Case Withdrawal [docket no. 8] be deemed a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and that this action be dismissed without prejudice to re-filing. Petitioner was advised of his right to object to the Report and Recommendation by September 17, 2015. On September 4, 2015, petitioner filed a response to the Report and Recommendation, noting that he agrees that this case is withdrawn.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 9] issued by the Magistrate Judge on August 31, 2015;
- (2) DEEMS petitioner's Notice of Case Withdrawal a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), and
- (3) DISMISSES this action without prejudice to re-filing.

IT IS SO ORDERED this 10th day of September, 2015.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE